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 Yale University

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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ALEXANDRA GERENA and CONSTANCE GERENA,	:	ECF Case
Plaintiffs,	:	No. 07-Civ. 3976 (LBS/GWG)
against	:	<b>REPLY DECLARATION    OF    SUSAN SAWYER    IN FURTHER SUPPORT    OF MOTION TO DISMISS    OR TRANSFER</b>
GREGORY KORB and YALE UNIVERSITY,	:	
Defendants.	:	

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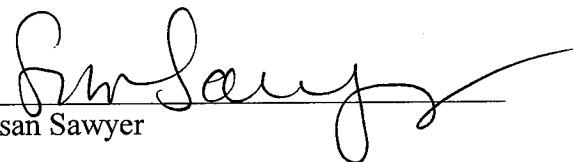
**Susan Sawyer**, under penalty of perjury, declares as follows:

1. I am Associate General Counsel for Yale University ("Yale") and make this declaration based on personal knowledge of the facts contained herein. I submit this reply declaration in further support of Yale University's Motion to Dismiss or Transfer.
2. Yale removed this action from state court to federal court on May 22, 2007. At no time before the removal date did plaintiffs serve, or attempt to serve, Yale University with a summons or complaint in this action. Also, at no time on or before September 19, 2007 (i.e., 120 days from the removal date of May 22, 2007) did plaintiffs serve, or attempt to serve, Yale University with a summons or complaint in this action.

3. On October 3, 2007, a process server appeared at Yale's Office of General Counsel, located at 2 Whitney Avenue, New Haven, Connecticut. The process server had with him a copy of the Complaint in this action and a state court summons from the New York Supreme Court, Bronx County. This was the very first appearance at my office by a process server in this matter. My colleague in this office, Deputy General Counsel Susan L. Carney, did not accept this obviously defective process, and the process server left without leaving a copy of the state court summons or the Complaint. There was no further communication between my office and a process server until October 29, 2007, when the same process server returned to Yale's Office of General Counsel with the same state court summons and the Complaint. Rather than replay the events of October 3, 2007, I took from the process server a copy of the state court summons and the Complaint and directed Yale's appearing counsel in this action to prepare a motion to dismiss the defective, untimely process (or, in the alternative, to transfer the action to Connecticut).

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New Haven, Connecticut on this 5 day of December, 2007.

  
Susan Sawyer

**CERTIFICATE OF SERVICE**

I hereby certify that, on December 5, 2007, a copy of the foregoing was filed electronically. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system. In addition, pursuant to Federal Rule of Civil Procedure 5 and Local Civil Rule 5.3, I certify that, on December 5, 2007, a copy of the foregoing has been mailed, by overnight delivery service, to the following:

David Rabin, Esq.  
Rabin Law Office  
3889 Crompond Road  
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Richard Emery, Esq.  
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/s/ R. Scott Greathead  
R. Scott Greathead (RSG 7824)

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